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*Attorneys for Defendants*  
8 *Christopher Bates and Jeffrey O'Brien*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
11  
12

13 **Jeff Macy, as an individual,**

14 Plaintiffs,

15 v.

16  
17 **California Highway Patrol, a State**  
**Agency; Officer Christopher Bates;**  
18 **Supervisor Officer Sergeant Jeffrey**  
**O'Brien, and Does 1 - 10, inclusive,**

19 Defendants.  
20  
21  
22

Case no. 5:23-CV-02245-RGK-BFM

**DEFENDANTS CHRISTOPHER  
BATES AND JEFFREY O'BRIEN'S  
MOTION FOR AN ORDER  
RELEASING THE VIDEO  
RECORDING OF THE  
DEPOSITION OF JEFF MACY;  
DECLARATION OF JULIO A.  
HERNANDEZ IN SUPPORT OF  
MOTION**

Judge: Hon. Brianna Fuller Mircheff  
Trial Date: Not Set  
Action Filed: 5/06/2024

23 Defendants hereby move the Court for an order releasing the video recording  
24 of the deposition of plaintiff Jeff Macy.

25 **FACTS**

26 Plaintiff Jeff Macy's deposition was held on October 1, 2024. The Defendants  
27 Christopher Bates and Jeffrey O'Brien's notice of deposition indicated that the  
28 deposition would be video recorded. At the deposition, Plaintiff Macy objected to

1 the video recording of the deposition. The deposition continued and was video  
2 recorded. Defendants have not taken possession of the video recording of the  
3 deposition due to plaintiff's objection to its release.

#### 4 **LEGAL ARGUMENT**

5 The Court's scheduling order of August 7, 2024 (ECF 35) authorized the  
6 parties to take depositions. After a meet and confer, Defendants duly noticed the  
7 deposition of Plaintiff Macy. The notice indicated that defendants would video  
8 record the deposition. (Hernandez Decl. ¶2, Notice of Taking of Deposition of  
9 Plaintiff Jeff Macy, p. 2:1-4.)

10 Pursuant to Federal Rules of Civil Procedure, Rule 30(b)(3), a deposition may  
11 be video recorded so long it is stated on the notice. Because plaintiff Macy was  
12 provided proper notice of the video recording of the deposition, Defendants are  
13 entitled to receive a copy of the video recording of Plaintiff Macy's deposition at  
14 Defendants' expense.

#### 15 **CONCLUSION**

16 Moving defendants request an order releasing a certified copy of the video  
17 recording of the deposition of Plaintiff Jeff Macy to moving Defendants.

18 Dated: November 12, 2024

Respectfully submitted,

19 ROB BONTA  
20 Attorney General of California  
21 IVETA OVSEPYAN  
22 Senior Assistant Attorney General

*/s/ Julio A. Hernandez*

23 JULIO A. HERNANDEZ  
24 Deputy Attorney General  
25 *Attorneys for Defendants Christopher*  
26 *Bates and Jeffrey O'Brien*  
27  
28

**DECLARATION OF JULIO A. HERNANDEZ**

I, JULIO A. HERNANDEZ, declare:

1. I am an attorney licensed to practice before all the courts of the State of California, a Deputy Attorney General with the Department of Justice, and counsel of record for Defendants Christopher Bates and Jeffrey O'Brien in the above-entitled action. The following facts are within my personal knowledge and, if called as a witness herein, I can and will competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of the notice of deposition of Plaintiff Jeff Macy, which my office served on September 12, 2024.

I declare under penalty of perjury under the law of the United States and State of California that the foregoing is true and correct. Executed this 12th day of November, 2024, Sacramento, California.

/s/ Julio A. Hernandez  
JULIO A. HERNANDEZ

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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendants Christopher Bates and Jeffrey O'Brien, certifies that this brief contains **355** words, which:

X complies with the word limit of L.R. 11-6.1.

\_\_\_\_\_ complies with the word limit set by court order dated \_\_\_\_\_.

Dated: November 12, 2024

/s/ Julio A. Hernandez  
Julio A. Hernandez  
Deputy Attorney General

**DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

**Case Name:** *Macy, Jeff, et al. v. California Highway Patrol, et al.*  
**Case No.:** **5:23-CV-02245-RGK-BFM**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **November 12, 2024**, I served the attached **DEFENDANTS CHRISTOPHER BATES AND JEFFREY O'BRIEN'S MOTION FOR AN ORDER RELEASING THE VIDEO RECORDING OF THE DEPOSITION OF JEFF MACY; DECLARATION OF JULIO A. HERNANDEZ IN SUPPORT OF MOTION** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jeff Macy  
P.O. Box #103  
Twin Peaks, CA 92391  
**E-mail:** [macybuilders@yahoo.com](mailto:macybuilders@yahoo.com)

*In Pro Per*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **November 12, 2024**, at Sacramento, California.

Donna Kulczyk  
Declarant

/s/ Donna Kulczyk  
Signature

# EXHIBIT A

ROB BONTA  
Attorney General of California  
IVETA OVSEPYAN  
Senior Assistant Attorney General  
JULIO A. HERNANDEZ  
Deputy Attorney General  
State Bar No. 260508  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 210-6238  
Facsimile: (916) 322-8288  
*Attorneys for Defendants Christopher Bates  
and Jeffrey O'Brien*

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**Jeff Macy, as an individual, Jerusha Macy,  
as an individual, Josiah Macy, as an  
individual, and Jodiah Macy, as an  
individual,**

Plaintiffs,

v.

**California Highway Patrol, a State Agency;  
Officer Christopher Bates; Supervisor  
Officer Sergeant Jeffrey O'Brien, and Does  
1 - 10, inclusive,**

Defendants.

5:23-CV-02245-RGK-BFM

**NOTICE OF TAKING OF DEPOSITION  
OF PLAINTIFF JEFF MACY**

Date: October 1, 2024

Time: 9:00 am

Place: Regus - Three Parkside  
473 E. Carnegie Drive, Suite 200  
San Bernardino, CA 92408

Judge: Honorable Brianna Fuller Mircheff

Trial Date: Not Set

Action Filed: May 6, 2024

Fed. R. Civ. P. 30.

**TO IN PRO SE PLAINTIFF JEFF MACY:**

**PLEASE TAKE NOTICE** that the deposition of plaintiff Jeff Macy will be taken by  
defendants Christopher Bates and Jeffrey O'Brien, as follows:

Date: Tuesday, October 1, 2024, at 9:00 a.m.

Location: Regus - Three Parkside,  
473 E. Carnegie Drive, Suite 200,  
San Bernardino, CA 92408

1 before a certified shorthand reporter. The deposition testimony will be recorded by audio  
2 technology in addition to the stenographic method. The deposition testimony will be recorded by  
3 visual technology in addition to the stenographic method. Defendants reserves the right to use at  
4 trial the video recording of the deposition testimony. If for any reason the taking of the deposition  
5 is not completed on that date, the taking of the deposition will be continued, at the option of the  
6 noticing party, either from day to day, excluding Saturdays, Sundays and holidays, or be  
7 continued until a date certain as determined by the noticing party. The deposition will be taken  
8 pursuant to Federal Rules of Civil Procedure, Rule 30, and the court's scheduling order (ECF 35).

9  
10 Dated: September 12, 2024

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 IVETA OVSEPYAN  
14 Senior Assistant Attorney General

15 

16 JULIO A. HERNANDEZ  
17 Deputy Attorney General  
18 *Attorneys for Defendants Christopher Bates*  
19 *and Jeffrey O'Brien*

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**DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

**Case Name:** *Macy, Jeff, et al. v. California Highway Patrol, et al.*  
**Case No.:** 5:23-CV-02245-RGK-BFM

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **September 12, 2024**, I served the attached **NOTICE OF TAKING OF DEPOSITION OF PLAINTIFF JEFF MACY** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jeff Macy  
P.O. Box #103  
Twin Peaks, CA 92391

E-mail: macybuilders@yahoo.com

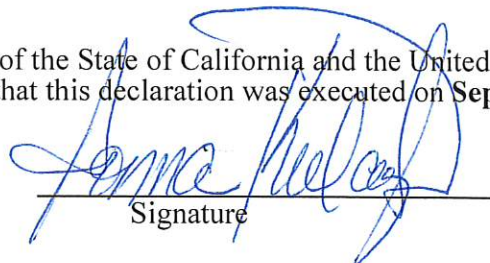
*In Pro Per*

**Courtesy Copy To:**

Veritext Legal Solutions  
1 Capitol Mall, Suite 240  
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **September 12, 2024**, at Sacramento, California.

Donna Kulczyk  
Declarant

  
Signature